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APPLICATION NUMBER FILING OR 371 (c) DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NUMBER

10/743,228

12/21/2003

Vincenzo Caci

CS20275P

CONFIRMATION NO. 7672

FORMALITIES LETTER

1111211 | 111111 | 1111 | 1111 | 1111 | 1111 | 1111 | 1111 | 1111 | 1111 | 1111 | 1111 | 1111 | 1111 | 1111 |

OC000000012269089

20280 MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343

Date Mailed: 04/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

• \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts

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A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/NO2004/000105

This report has been established as if (some of) the amendments had not been made, since they have
been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

- 6. Additional observations, if necessary:
- V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- 1. Statement

Novelty (N)

Yes: Claims

1-7

No: Claims

Inventive step (IS)

Yes: Claims

1-7

No: Claims

Industrial applicability (IA)

Yes: Claims

1-7

No: Claims

2. Citations and explanations

see separate sheet

AS TO BOX V:

1. The following documents are cited:

D1: EP-A1-0 782 209 D2: US 2002 172 845 A1

- 2. Both in D1 and in D2 systems for use in fuel cells are disclosed, in which surplus energy is stored in buffers (see claim1 in both documents and the Figures of D2).
- 3. Although the difference between 'dumping' and buffering' may be only small in some cases, it is clear from the application that 'dumping' is **not** regarded as a way of producing energy at a later stage (see e.g. p.10, l.29 and 30 and l.10-17 and p.5, l.8 and 9). It is possible to use a dumping device together with a buffer, but if the buffer is full, the energy is lead out of the system (see Fig.4).
- 4. D1 and D2 teach buffer systems without such dumping devices. For this reason claim 1 and depending claims 2-6, as well as method claim 7 are novel under Art.33(2) PCT.
- 5. The suggested system protects the fuel cell installation in the case of load variations, so that it can function within the conditions which the installation is designed for (see also p.1, l.22-28 and p.2, l.22-30). Such a system is not rendered obvious from any of the documents cited in the search report. The requirements of Art.33(3) PCT are thus equally met.